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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 09 0850 VRW
Plaintiff,) GOVERNMENT'S UNOPPOSED
v.) MOTION AND ~~PROPOSED~~ ORDER
PASQUALE IANNETTI,) CONTINUING MOTION HEARING
Defendant.) AND FOR FINDING OF
EXCLUDABLE TIME

The parties appeared before the Court on January 7, 2010 for status appearance, at which time defense counsel advised that he intended to file a motion to suppress the statement that defendant made at the time that the Postal Inspectors executed the search warrant at his business. The Court scheduled the motion to be heard on March 25, 2010 at 2:00 p.m. The Court also found the time between January 7, 2010 and March 25, 2010 excluded from the time requirements of the Speedy Trial Act based on the complexities of the case, including the fact that the government is seeking to obtain evidence from law enforcement authorities in Italy.

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1 On March 3, 2010, the parties submitted a stipulation and proposed order, which
2 the Court subsequently granted, requesting a continuance of the motions hearing in order
3 to provide the parties additional time to file the suppression motion and opposition. The
4 primary reason for this request was that undersigned government counsel had been out of
5 the office unexpectedly due to her mother's hospitalization. Government counsel sought
6 additional time within which to respond to the defendant's anticipated motion, and the
7 parties proposed a new motions hearing date on May 13, 2010 and a revised briefing
8 schedule. The Court granted the request by order filed March 5, 2010.

9 The defendant filed his motion to suppress on March 19, 2010, as agreed by the
10 parties. The government's opposition is due to be filed April 16, 2010, and the
11 defendant's reply is due on April 30, 2010.

12 Government counsel now moves for a brief extension of time within which to file
13 the government's opposition. Counsel's mother was unexpectedly hospitalized again on
14 April 2, and counsel was out of the office from that time until April 12. Counsel
15 anticipates having to take off additional time during the week of April 19 in order to
16 assist her mother at home. Counsel understands and appreciates the need to move
17 forward with the present case and pending motion. However, counsel needs some
18 additional time, given recent events, within which to file the government's opposition.
19 Counsel respectfully requests leave to file the government's response on April 27, 2010.

20 Counsel has discussed this matter with defense counsel, who has stated that he and
21 his client do not have an objection to this extension. The parties discussed providing the
22 defense with additional time within which to file its reply, and propose filing no later than
23 May 11, 2010. The parties propose continuing the hearing date from May 13, 2010 to
24 May 27, 2010 at 2:00 p.m.¹ Counsel has also advised that he and his client have no
25 objection to a continued finding of excludable time in this case, given the pending motion

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27 ¹ The Court is unavailable on May 20, 2010.
28 GOV'T MOT. & [PROP.] ORDER

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1 and the complexities raised by the fact that the government is seeking to obtain evidence
2 from Italy relating to this case.² See, 18 U.S.C. § 3161(h)(1)(D) and (h)(7)(A) & (B).

4 Dated: April 16, 2010

JOSEPH P. RUSSONIELLO
United States Attorney

6 /s/
7 SUSAN E. BADGER
8 Assistant United States Attorney

10 ~~[PROPOSED]~~ ORDER

11 Upon the unopposed motion of the government, and good cause appearing, IT IS
12 HEREBY ORDERED THAT the motion hearing date in the above-captioned case
13 currently scheduled for May 13, 2010 at 2:00 p.m. is continued to May 27, 2010 at 2:00
14 p.m. The government will file its opposition to defendant's motion no later than April 27,
15 2010, and the defendant will file his reply, if any, no later than May 11, 2010.

16 The Court further finds that the time between March 25, 2010 and May 27, 2010 is
17 excludable from the requirements of the Speedy Trial Act due to the continuing complex
18 nature of the case, including the need to provide adequate time for the government to
19 obtain evidence located outside the United States and to provide that evidence to the
20 defense. In addition, time is properly excluded as a result of delay from the filing of the
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24 ² Government counsel has previously advised the Court and defendant of its
25 understanding that law enforcement authorities in Italy are in possession of evidence relevant to
26 the instant case. Since the parties' last appearance before the Court on this matter, government
27 counsel has traveled to Milan to meet with the prosecutor and Carabinieri agents who are
28 working on the Italian portion of this case. The parties reached an informal agreement about
sharing evidence, and government counsel is preparing the formal paperwork for the request.

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1 pretrial motion and the opposition to that motion. 18 U.S.C. § 3161(h)(1)(D) & (h)(7)(A)
2 & (B).

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4 IT IS SO ORDERED.

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6 Dated: April 19, 2010

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